

MEMORANDUM

Appendix C



From:	[REDACTED] Tree & Woodland Officer		To:	[REDACTED] Legal Officer	
My Ref:	TPO (5) 2009		Your Ref:	324 Alcester Road, Wythall	
Please ask for:	Andy Bucklitch	Ext	1320	Date	21 May 2010

Comments re objections as follows:

[REDACTED]

objection to the inclusion of Oak ref. T2 within the confirmed TPO

- the tree does have a slight lean to the west - this is a natural lean as a result of the trunk growing towards the light away from a second stem/tree which was removed by the owner during clearance of the site prior to the making of the current TPO. As the lean is the result of natural growth, the tree has grown with a modified trunk and root structure to counteract the imbalance in weight and so would not appear to be at any greater risk of failure than it's neighbour.

- Pruning works carried out prior to the making of the TPO to create clearance from the adjacent power lines have resulted in some imbalance of the canopy. However, the tree appears to be responding well with good regrowth and so there is no reason to believe that it does not have many years of safe, useful life remaining.

[REDACTED] has stated an intention to replant with two trees on the land and a new hedge along the boundary fence. While this is welcomed, it will still be many years before the new trees reach the same level of amenity, environmental and wildlife value as the current tree T2. The planting of a new hedge is also welcomed although this will likewise just replace the existing established hedge removed during the clearance of the site and will take some time to reach the same level of value as the hedge it replaces.

Tree T2 is a 'hedgerow Oak' – characteristic of the Wythall landscape and, due to it's central location within the site, would be a constraint to development of the site and therefore be a significant material factor in any future application for planning permission. Confirmation of the Order in it's current form would still enable consent to be granted to remove the tree either as part of a planning application or separately but this would allow the enforcement of replacement planting in either situation thus ensuring the long-term tree cover of the area.

During a meeting held on site between the Tree Officer and [REDACTED] in May 2010, these objections were discussed. While confirmation is still recommended in respect of both trees, the lower quality of tree T2 is such that I would consider it's removal at a future date to be acceptable subject to replacement planting with Oak or other long lived species. The confirmation of the Order in it's current form, however, will allow the enforcement of this requirement to maintain the long-term amenity and character of the area.

[REDACTED] adjacent residents

- Concerns about future tree safety

While I concur with and am sympathetic to the concerns of the property owners, the close proximity of the property and extension to the Oak tree was raised during their recent planning application for the extension and they have then made the deliberate decision to build the extension so close to the tree and thus to have done so in full knowledge and presumed acceptance of any risk. Without the involvement of the planning process and the requirement for precautions to protect the tree roots, the construction of the new extension would likely have caused considerable damage to the roots thus greatly increasing the likelihood of tree failure and even greater risk.

Despite these concerns, the Oak tree T1 has already had the majority of branches overhanging the property removed or reduced to create clearance from overhead power lines and so I consider that there is currently much

reduced likelihood of branches falling onto the property at 324 Alcester Road. The condition of the rest of the canopy of the tree is generally good and the tree shows overall good health and vigour. The ongoing maintenance of the tree is the responsibility of the owner but given the generally good condition of the tree, I consider that such maintenance can be done and the tree can be maintained in a safe condition through minor pruning works under the control of an application for consent or routine 'crown cleaning' works to remove dead, diseased or broken branches which do not require specific consent. With regular inspections to detect any problems before they occur and appropriate works to remedy those problems, both tree and property to co-exist successfully for another century or more.

In respect of the effect of tree roots or their loss, the type and nature of the soil and the foundations of the original building will be of principal significance. Over the many years of its life, the tree will have caused a permanent drying effect in the soil around its roots and, depending upon the soil characteristics, possibly a relatively stable situation over that time period. If the tree is removed then the roots will not remain but will decay away. The stabilising influence of the drying effect of the tree will be removed at a stroke and unpredictable results are then more likely to occur.

Recommendation

Due to staff shortage and illness, investigation of the issues raised around this Order has taken longer than normal and the Order has fallen outside the six month provisional period for confirmation. However, to the best of my knowledge there are no new parties with an interest in the land affected by the Order and all have been afforded the opportunity to make representation and so this Order can still be confirmed. It is therefore recommended that the Order is confirmed without amendment.